

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Northern Division**

JEFFREY F. LAWRENCE *

And

DONNA LAWRENCE *

Plaintiffs *

v. *

THE "IMAGINE...!" YACHT, LLC *

And

ANNAPOLIS BAY CHARTERS, INC. *

And

LATITUDE 38, LLC *

Defendants *

Civil Action # RDB-02-CV-3224

* * * *

THE "IMAGINE...!" YACHT, LLC *

Third Party Plaintiff *

v. *

SHER & BLACKWELL, LLP *

Third Party Defendant *

* * * * *

**RESPONSE TO MOTION TO STRIKE THE
IMAGINE YACHT, LLP's RESPONSE TO SHER & BLACKWELL'S
MOTION FOR SUMMARY JUDGMENT**

The IMAGINE Yacht, LLC by its attorneys Robert H. Bouse, Jr. and Jonathan A. Cusson, hereby responds to Sher & Blackwell's Motion to Strike its Response to their Motion for Summary Judgment and states:

1. The basis for Sher and Blackwell's Motion to Strike is the fact that the IMAGINE's Response to their Motion was filed on March 16, 2004 instead of March 15, 2004.

2. The delay in the response is due solely to an omission by the undersigned and counsel hereby requests that the Court not prejudice its client for such an occurrence.

3. The referenced submission was filed only one day late.

4. Sher & Blackwell has not, and could not, cite any prejudice that the delay has caused them and, if the Motion for Summary Judgment were to go forward unopposed, the IMAGINE is potentially subjected to the sanction that it be held responsible for injuries caused by an act or omission of another.

WHEREFORE, The IMAGINE Yacht, LLC, Third Party Plaintiff, respectfully requests that Third Party Defendant, Sher & Blackwell's, Motion to Strike its Response to their Motion for Summary Judgment be denied as there has been no showing of prejudice or other justification that would warrant the sanction of allowing Sher and Blackwell's Motion to go forward unopposed.

Respectfully submitted,

/s/

Jonathan A. Cusson
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of April 2004, that a copy of the foregoing was mailed, postage pre-paid to:

Prabir Chakrabarty, Esquire
Resnick & Abraham, LLC
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/s/
Jonathan A. Cusson